

Application No.: 10/712361

Case No.: 59387US002

REMARKS

Claims 1-38 are pending

Double Patenting Rejections

Claims 1-38 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as purportedly unpatentable over claims 1-10, 13-15, 18-20, 23-25, 28-39, 42-49, 52-54 and 57-58 of copending Application No. 10/712,590. Applicants enclose herewith a Terminal Disclaimer in compliance with 37 CFR § 1.321. Applicants submit that the double patenting rejection of claims 1-38 has been overcome and should be withdrawn.

§ 103 Rejections

Claims 1-2, 5-7, 9-10, 12-13, 15-16, 21-22, 24-26, 28-29, 31-38 stand rejected under 35 USC § 103(a) as purportedly unpatentable over JP 54-052690 (Asawa) taken alone. Applicants respectfully traverse.

In order to establish a prima facie case of obviousness of a claim, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art.") (cited at MPEP § 2143.03). In the present case, Applicants submit that no prima facie case of obviousness has been established because the cited reference fails to teach or suggest claim limitations required in the rejected claims.

Each of the pending claims requires step b) recited in claim 1: "exposing said fluoropolymer to electron beam radiation so as to result in the formation of crosslinks." As the Office Action acknowledges, "Asawa does not expressly teach using electron beam irradiation for crosslinking the polymer." (Office Action at page 3). Applicants submit that, because the cited reference fails to teach or suggest claim limitations required in all of the rejected claims, no prima facie case of obviousness has been established, and the rejection should be withdrawn.

In summary, the rejection of claims 1-2, 5-7, 9-10, 12-13, 15-16, 21-22, 24-26, 28-29, 31-38 under 35 USC § 103(a) as purportedly unpatentable over JP 54-052690 (Asawa) taken alone has been overcome and should be withdrawn.

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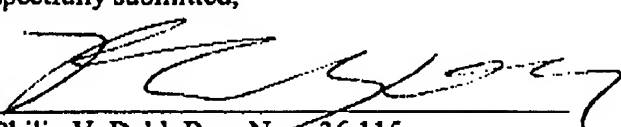
In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is requested.

Respectfully submitted,

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Date

By:


Philip Y. Dahl, Reg. No.: 36,115
Telephone No.: (651) 737-4029

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833